

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JFS HOLDINGS INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 05-709-SLR
)	
ABESSINIO PROPERTY MANAGEMENT)	
INC.,)	
)	
Defendant.)	

SCHEDULING ORDER

At Wilmington this _____ day of _____ 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the Court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects: Breach of contract, *i e* , breach of the lease in question.

(b) All discovery shall be commenced in time to be completed by May 30, 2006

(c) Maximum of 30 interrogatories by each party to any other party.

(d) Maximum of 30 requests for admission by each party to any other party.

(e) Each party may take a maximum of 2 depositions.

(f) Each deposition [other than of Plaintiff and Defendant] limited to a maximum of one (1) hour unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by May 30, 2006. Rebuttal expert reports due by June 30, 2006.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed.R.Civ.P. 27. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3 **Joinder of Other Parties, Amendment of Pleadings, and Class Certification.** All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before June 30, 2006.

4 **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5 **Applications by Motion.** Any application to the Court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D.Del. LR 7.1.1.**

6 **Status Conference.** A telephonic status conference to be initiated by Defendant's counsel shall be held on **Tuesday, August 1, 2006 at 4:30 p.m.** at which time counsel shall

advise the Court as to whether the parties are able to stipulate to the facts in this proceeding, thereby allowing dispositive motion practice, or whether the matter should be set for bench trial in the Fall 2006 (or at the Court's next earliest availability).

United States District Judge